

IN RE: PETITION FOR ZONING VARIANCE
8/8 Seneca Park Road, 320' E
Nanette Road
(950 Seneca Park Road)
15th Election District
5th Councilmanic District

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-365-A

Arthur Smith, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance in which the Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 50 feet for two utility sheds attached to the dwelling on the subject property, in accordance with Petitioner's Exhibit 2.

The Petitioner, Arthur Smith, appeared and testified on behalf of himself and his wife and was represented by Francis X. Borgerding, Jr., Esquire. Also appearing on behalf of the Petitioners was Jerry Ricker, a nearby resident of the area. Appearing and testifying as a Protestant in the matter was Barbara Mitchell, adjoining property owner, and her son, Earl Mitchell. Ms. Mitchell was represented by C. Eugene Schmidt, Esquire.

Testimony indicated that the subject property, known as 950 Seneca Park Road, consists of 0.52 acres zoned R.C. 5 and is improved with a single family dwelling, swimming pool and detached garage. Said property is located within the Chesapeake Bay Critical Areas on Seneca Creek. The Petitioners filed the instant Petition upon receipt of a stop work order that was issued for two utility sheds which are attached to the existing dwelling approximately 1 foot from the west side property line. Arthur Smith testified that he has lived on the subject property for the past 20

years and that he purchased the property from his mother-in-law. He testified that he applied for and obtained a building permit from Baltimore County to raise the original dwelling, which was about 45 years old, and construct a new dwelling on the original foundation. Mr. Smith introduced two photographs of the property as it existed at the time of purchase and as it exists today, marked Petitioner's Exhibits 4 and 1C, respectively. Mr. Smith testified that when he applied for his building permit, the subject sheds were shown on the plan submitted with his building permit application but that the permit had expired prior to his completion of all improvements. Testimony indicated that from time to time, Mr. Smith had to renew the building permit due to the fact that the construction of the present dwelling took a number of years to complete. Mr. Smith stated that the subject sheds extend 4 feet out from the side of the new dwelling and project approximately the same distance as the porch that was attached to the original dwelling as shown on Petitioner's Exhibit 4. Further testimony indicated that when Mr. Smith applied for his building permit, Baltimore County required that the new dwelling be built on the old foundation.

Mr. Smith testified concerning other improvements made to the subject property. He testified that he also replaced the old rotted split rail fence that had existed on the property for many years with a new stockade fence that runs the entire length of the property line adjoining the Protestants' property. Mr. Smith testified that Baltimore County required the subject fence because of the inground swimming pool located on his property. Petitioner's Exhibits 4 and 1C indicate that the replacement fence is situated in approximately the same location as the original split rail fence. Mr. Smith testified that he applied for and obtained a building permit for everything he has constructed on his property. He

- 2 -

stated that he employed Newton Williams, Esquire to assist him in obtaining the necessary permits to construct the new dwelling, and that since he was issued the stop work order, he has ceased completing construction of the sheds pending the outcome of this hearing.

Jerry Ricker appeared and testified in support of the relief requested. Mr. Ricker testified that he has lived approximately four doors away from the subject property for the past 10 years. Mr. Ricker testified that he does not see any harm in allowing the subject utility sheds to exist on the side of the dwelling. Mr. Ricker testified that he is in favor of the sheds remaining in that they will allow the Petitioner to store various lawn tools and equipment inside as opposed to outside on the property.

Appearing and testifying in opposition to the relief requested was Barbara Mitchell. Ms. Mitchell owns the adjoining property, which is improved with a single family dwelling that is used as a summer home by her family. Ms. Mitchell testified that the improvements made by the Petitioner have depreciated the value of her own property. She stated that his improvements interfere with her view of the water and that water runoff from the subject utility sheds has caused problems on her property. Ms. Mitchell testified that irrespective of the fact that a stop work order was issued to Mr. Smith, he continued to work on the utility sheds. Testimony later revealed that the Petitioner had contacted Robert Maddox, the building inspector who issued the stop work order and asked permission to finish the roofs of the two utility sheds in question to mitigate any damage that might occur while awaiting the outcome of this hearing. Testimony indicated that Mr. Maddox agreed to let the Petitioner finish the roof work necessary to prevent damage to the structures. Ms. Mitchell

- 3 -

testified that she spoke with Frank Gunther, Mr. Maddox' supervisor, and stated that she was upset that Mr. Smith was permitted to continue to work on the subject sheds, given the fact that a stop work order was issued. Testimony revealed that Mr. Gunther also gave permission to the Petitioner to place roofing paper on the subject sheds to prevent any water damage. Ms. Mitchell testified that she is generally opposed to any variance being granted to the Petitioner.

Also appearing and testifying in opposition to the relief requested was Earl Mitchell, Barbara Mitchell's son. Mr. Mitchell testified that while he does not live next door to the subject property, he believes that the two utility sheds in question will devalue his mother's property and may prevent her property from being sold one day. He testified that in his opinion, the two sheds are about 6 inches closer to the property line than the brick wall from the original porch on the old house. He further testified that in his opinion, his family will be prevented from selling their property because of the location of the stockade fence.

Robert Maddox, Building Inspector, and Craig McGraw, Zoning Inspector, were also called as witnesses in the Protestants' case. Both of these witnesses testified as to field inspections made of the subject property in the course of their duties as employees of Baltimore County. Each witness offered limited, if any, testimony regarding the requested variances at issue.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

- 4 -

permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

It is clear that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, in the opinion of this Deputy Zoning Commissioner, the relief requested should be granted. It is clear from the testimony presented by the Petitioner that he obtained valid building permits from Baltimore County to make the subject improvements to his property. It is also clear from the

Petitioner's testimony that it was always his intention to construct these utility sheds and that they were included in the building plans submitted along with his permit application. There was no testimony offered to the contrary. The new dwelling was constructed on the original foundation, as required by Baltimore County and therefore, is not any closer to the Protestants' property line than the original dwelling. In addition, the utility sheds that are attached to the principal structure are located in approximately the same location as the old porch that was attached to the original dwelling as indicated in the photographs marked Petitioner's Exhibits 4 and 1C. Furthermore, when comparing the pictures depicting the location of the old fence with the newly constructed stockade fence, it is clear that the improvements made by the Petitioner encroach no closer to the Protestants' property than the original structures. Finally, I cannot find that there has been any devaluation of the Protestants' property caused by the improvements made by the Petitioner. The photographs submitted would indicate that the improvements made to the subject property have certainly increased the value of this particular lot and should only have a positive effect on property values elsewhere in the neighborhood.

This property is located within the Chesapeake Bay Critical Areas and as such is subject to any recommendations made by the Department of Environmental Protection and Resource Management upon completion of their review as to Critical Areas requirements.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of June, 1992 that the Petition for Zoning

Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 1 foot in lieu of the required 50 feet for two utility sheds attached to the dwelling, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The granting of the relief requested herein is contingent upon Petitioner's compliance with any and all recommendations made by DEPRM upon completion of their findings regarding Critical Areas requirements.
- 3) The Petitioner shall install rainspouts on the utility sheds and all overhangs to prevent any water runoff from passing onto the Protestant's property.
- 4) When applying for any future permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TMK:bjs

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 7 -

Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4486

June 8, 1992

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
950 Seneca Park Road, 320' E of Nanette Road
(950 Seneca Park Road)
15th Election District - 5th Councilmanic District
Arthur Smith, et ux - Petitioners
Case No. 92-365-A

Dear Mr. Borgerding:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: C. Eugene Schmidt, Esquire
220 Bosley Avenue, Towson, Md. 21204

Chesapeake Bay Critical Areas Commission
45 Calvert Street, 2nd Floor, Annapolis, Md. 21401

DEPRM

People's Counsel

File

ORDER RECEIVED FOR FILING
Date 6/8/92
By gfg

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Date 6/8/92
By gfg

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By gfg

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ORDER RECEIVED FOR FILING
Date 6/8/92
By gfg



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1804.3.A.2 to permit a side yard setback of one (1) foot in lieu of the required fifty (50) feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Shape and configuration of property;
2. Such other and further reasons to be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Francis X. Borgerding, Jr.

(Type or Print Name)

Signature

409 Washington Ave., Ste. 600

Address

Towson, MD 21204

City and State

296-6820

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Legal Owner(s):

Arthur Smith

(Type or Print Name)

Signature

Arlene Smith

(Type or Print Name)

Signature

950 Seneca Park Road, 335-6615

Address Phone No.

Baltimore, MD 21220

City and State

Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted

Francis X. Borgerding, Jr.

Name

409 Washington Ave., Ste. 600

Towson, MD 21204-296-6820

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. +1HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER DATE

REVIEWED BY: DATE

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

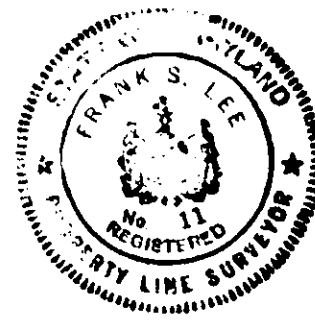
January 15, 1992

No. 950 Seneca Park Road

15th District Baltimore County, Maryland

Beginning for the same on the north side of Seneca Park Road at the division line between lots 71 and 72 on the plat of Seneca Park Beach said plat being recorded among the land records of Baltimore County in Plat Book 8 folio 45, and being known as lots 72 and 73.

Containing 0.52 acres of land more or less



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 15th Date of Posting: 1/15/92

Posted for: Variance

Petitioner: Arthur & Arlene Smith

Location of property: 950 Seneca Park Road, 15th District

Location of Sign: 15th District, 15th District

Remarks:

Posted by: [Signature] Date of return: 1/15/92

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 4-2-1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4-2-1992

THE JEFFERSONIAN,

Publisher

\$39.76

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-365-A
E/S Seneca Park Road, 330' E of Seneca Road
950 Seneca Park Road
15th District
Petitioner(s): Arthur and Arlene Smith
Hearing Date: Thursday, April 30, 1992 at 9:30 a.m.

Variance to permit a side yard setback of 1 foot in lieu of the required 50 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE. FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353, EXT. 412

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 4/7/92

Arthur and Arlene Smith
950 Seneca Park Road
Baltimore, Maryland 21220

RE:
CASE NUMBER: 92-365-A
E/S Seneca Park Road, 330' E of Seneca Road
950 Seneca Park Road
15th Election District - 5th Councilmanic
Petitioner(s): Arthur and Arlene Smith

Dear Petitioner(s):

Please be advised that \$74.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jarmon
DIRECTOR

cc: Francis X. Borgerding, Jr., Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

MARCH 27, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-365-A
E/S Seneca Park Road, 330' E of Seneca Road
950 Seneca Park Road
15th Election District - 5th Councilmanic
Petitioner(s): Arthur and Arlene Smith
HEARING: THURSDAY, APRIL 30, 1992 at 9:30 a.m.

Variance to permit a side yard setback of 1 foot in lieu of the required 50 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County

cc: Arthur and Arlene Smith
Francis X. Borgerding, Jr., Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

April 27, 1992

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue, Suite 600
Towson, MD 21204

RE: Item No. 382, Case No. 92-365-A
Petitioner: Arthur Smith, et al
Petition for Variance

Dear Mr. Borgerding:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 26th day of March, 1991.

ARNOLD JARMON
DIRECTOR

Received By:
W. Carl Rebeck, Jr.
CHAIRMAN
ZONING PLANS ADVISORY COMMITTEE

Petitioner: Arthur Smith, et al
Petitioner's Attorney: Francis X. Borgerding



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

Date

92-365-A

Cashier Validation

0-90-001111CHRC \$35.00
26 001-001111-20-92
Please Make Checks Payable To: Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE: ACCOUNT:

AMOUNT: \$

RECEIVED FROM:

FOR:

VALIDATION OR SIGNATURE OF CASHIER
DATE: TIME: PM: AGENCY: YELLOW: CUSTOMER:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: April 9, 1992

FROM: Ervin McDaniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from the Zoning Advisory Committee
Dated March 30, 1992

The Office of Planning has no comment on the following petitions.

J.C. Sevier and Wendy Sevier, Item No. 363
Alina Moore and Adolfin Arias, Item No. 366
Orville Jones, Item No. 367
Orville Jones, Item No. 368
Orville Jones, Item No. 369
Charles H. Wallis and Vickie J. Wallis, Item No. 370
Yvonne E. Hume, Item No. 371
James J. Casserly, Jr., Item No. 373
George Anagnostou and Nikki Anagnostou, Item No. 374
Frank W. Carman, Item No. 381
Arthur Smith and Arlene Smith, Item 382

If there should be any further questions or if this office can
provide additional information, please contact Francis Morsey in the
Office of Planning at 887-3211.

EM/FM:rdn
363.ZAC/ZAC1

RECEIVED
APR 10 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: April 1, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili
Traffic Engineer II

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 30, 1992

This office has no comments for item numbers 363, 366, 367, 368, 369,
370, 371, 372, 374, 375, 377, 378, 379, 380, 381 and 382.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 3, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ARTHUR SMITH AND ARLENE SMITH

Location: #950 SENECA PARK ROAD

Item No.: 382 (JJS) Zoning Agenda: MARCH 30, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and
Planning Group Approved
Special Inspection Division Fire Prevention Bureau

JP/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for March 30, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 363, 366, 367, 368, 369, 370, 371, 372, 374,
376, 377, 378, 379, 380, 381 and 382.

For Item 382, the parking space that is shown in the
Grendon Avenue widening should not be counted in the
variance request.

For Items 373 and 375, we think that these sites are
subject to Division II of the Development Regulations.

Robert W. Bowling
ROBERT W. BOWLING, P.E. Chief
Developers Engineering Division

RWB:DAK:s

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Seneca Park Road * ZONING COMMISSIONER
320 Feet E of Nanette Road * OF BALTIMORE COUNTY
(950 Seneca Park Road)
15th Election District
5th Councilmanic District
ARTHUR SMITH and ARLENE SMITH * Case No. 92365-A

SUBPOENA

TO: Craig McGraw
Office of Zoning and
Planning

You are hereby summoned and commanded to be and appear personally
before the ~~Zoning Commissioner~~ Deputy Zoning Commissioner of Baltimore
County in Room 106 County Office Building, 111 W. Chesapeake Ave.
Towson, Md. 21204

and to bring files relating to inspection of premises, stop work
orders and requests for zoning variance on the aforementioned property.
on the 30th day of April 1992 at 9:30 A.M. regarding the above captioned
case, for the purpose of testifying at the request of Barbara Mitchell
and Earl Mitchell

[Signature]
C. Eugene Schmidt
220 Baisley Avenue
Towson, Md. 21204
828-9191
Attorney for Protestants

Mr. Sheriff/Private Process Server:

Please process in accordance with Zoning Commissioner's Rule IV(c).

61
Zoning Commissioner/Deputy
Zoning Commissioner
for Baltimore County

Issued: _____

To Whom It May Concern,

I support the proposed zoning variance to
allow a storage shed of the south side of 950
Seneca Park Rd.

I am concerned over the accumulation of general
debris + rubbish in my neighborhood. Any effort to
contain items which may otherwise be out in the
open + unsecured can only enhance the appearance of
the neighborhood. It does not seem that this would
adversely affect the property owner adjacent to
950 Seneca Park Rd.

Thomas Watson
364 Seneca Park Rd.
Baltimore, Md 21222

ZONING NOTICE
VARIANCE

PLACE THIS NOTICE ON THE SHED
THIS IS DATE THE VARIANCE IS GRANTED
CASE NUMBER 92-365-A
TO PRINT A TRUE TRUE COPY OF THIS
IN THE OFFICE OF THE ZONING COMMISSIONER



APRIL 14, 1992

TO WHOM IT MAY CONCERN,
THE ABOVE ZONING NOTICE IS A VARIANCE TO ALLOW
CONSTRUCTION OF A STORAGE SHED ON THE SOUTH SIDE OF
950 SENECA PARK ROAD. RESIDENCE OF MR. & MRS. A.L. SMITH.

HEARING DATE: THURSDAY
APRIL 30, 1992
TIME: 9:30 A.M.
PLACE:
111 W. CHESAPEAKE AVENUE
ROOM #106

APRIL 28, 1992

THE SENECA PARK COMMUNITY ASSOCIATION HAS NOT RECEIVED
ANY COMPLAINTS OR CONCERNS REGARDING SUBJECT STORAGE
SHED AT 950 SENECA PARK RD. IT APPEARS THAT THE
MAJORITY OF THE IMMEDIATE NEIGHBORS EXPRESS APPROVAL.
IF THIS ISSUE WAS PUT TO A VOTE AT AN ASSOCIATION
MEETING, I FEEL THAT IT WOULD PASS BY A MAJORITY
VOTE TO ALLOW CONSTRUCTION.
Sincerely,
KARL MUMF
PRESIDENT SENECA PARK IMP. ASSOC.

ZONING NOTICE
VARIANCE

PLACE THIS NOTICE ON THE SHED
THIS IS DATE THE VARIANCE IS GRANTED
CASE NUMBER 92-365-A
TO PRINT A TRUE TRUE COPY OF THIS
IN THE OFFICE OF THE ZONING COMMISSIONER



APRIL 14, 1992

TO WHOM IT MAY CONCERN,
THE ABOVE ZONING NOTICE IS A VARIANCE TO ALLOW
CONSTRUCTION OF A STORAGE SHED ON THE SOUTH SIDE OF
950 SENECA PARK ROAD. RESIDENCE OF MR. & MRS. A.L. SMITH.

HEARING DATE: THURSDAY
APRIL 30, 1992
TIME: 9:30 A.M.
PLACE:
111 W. CHESAPEAKE AVENUE
ROOM #106

*111 Chesapeake Ave. to be
used for storage
of debris + rubbish
977 Seneca Park Rd*

ZONING NOTICE

PLACE IN CHESapeake Ave. Box 106
TIME & DATE: 9:30 A.M. APRIL 30, 1992
CASE NUMBER: 92-365-A



APRIL 14, 1992

TO WHOM IT MAY CONCERN,
THE ABOVE ZONING NOTICE IS A VARIANCE TO ALLOW
CONSTRUCTION OF A STORAGE SHED ON THE SOUTH SIDE OF
950 SENECA PARK ROAD. RESIDENCE OF MR. & MRS. A.L. SMITH.

HEARING DATE: THURSDAY
APRIL 30, 1992
TIME: 9:30 A.M.
PLACE:
111 W. CHESAPEAKE AVENUE
ROOM #106

OWNER: Alma & Arthur Smith **Application No.:** B029002
ADDRESS: 950 Seneca Park Rd.

PLEASE SHOW BELOW:

- property line dimensions and easements
- existing buildings (show distance to nearest structure)
- existing well/septic
- road names and location of alleys
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work
- the proposed work and the setback distances to the proposed work

Front yard setback VC Left side setback NC
Rear yard setback VC Right side setback 50

NOTES: If a fence is to be closer than 2 feet to any existing fence or wall, adequate access must be provided for maintenance.
2. Cannot fence access easements.

ROAD NAME: Seneca Park Rd.

EXISTING DWELLING: (front) 24 10 35 90

LOCATION: 950 SENECA PARK RD
SUBDIVISION: SENECA PARK RD
TAX ASSESSMENT: 1512329110

OWNERS INFORMATION:
NAME: SMITH, ARTHUR & ARTHUR
ADDR: 950 SENECA PARK RD

APPLICANT INFORMATION:
NAME: ARTHUR SMITH
COMPANY: OWNER
ADDR: 950 SENECA PARK RD
ADDR: BALTO., MD 21220
PHONE: 332 6015 **LICENSE:** 1-12365

NOTES:
BAC/DLS

TRACT: BLOCK: CONST 9 PLOT 1 R PLAT 0 DATA 0 REC YES PLUM YES
PLANS:
DEPT: ARTHUR SMITH, 1131 ENGLEBERTH RD., 21220
CONTR:
ENGR:
SELL:
WORK:

PROPOSED USE: SAME & ADD. A ALL
EXISTING USE: SFD

RELG. CODE: 1 AND 2 FAW. CODE
RESIDENTIAL CATEGORY: DETACHED **OWNERSHIP:** PRIVATELY OWNED
ESTIMATED COST OF MATERIAL AND LABOR: 79,999.00

TYPE OF IMPRV. ADDITION: USE ONE FAMILY
FOUNDATION: SERGE, PRIV. EXIST. **BASEMENT:** WATER PUBLIC EXIST
CONSTRUCTION: CENTRAL AIR **FUEL:**

SINGLE FAMILY UNITS:
TOTAL 1 FAMILY BEDROOMS:
MULTI FAMILY UNITS:
EFFICIENCY (AND SEPARATE BEDROOMS): NO. OF 1 BEDROOM:
NO. OF 2 BEDROOMS: NO. OF 3 BEDROOMS OR MORE:
TOTAL NO. OF BEDROOMS: TOTAL NO. OF APARTMENTS:

PERMIT #: B029002

DIMENSIONS - INSTALL FIXTURES:
CARBAGE DISP. BUILDING SIZE: SIZE: 620/157X224/166
POWDER ROOMS: FLOOR: 2162/734
BATHROOMS: WIDTH: 24/10
KITCHENS: DEPTH: 16/35
LIGHTS: DEPTH: 16/35
STORIES: 16/35

LOT NOS: 06/22
CORNER LOT: 2

ZONING INFORMATION: BLOCK: **ASSESSMENTS:**
LAND: 0842250.00
IMPROVEMENTS: 0860150.00

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The covenants herein contained shall bind, and the benefits and advantages shall inure to, the respective heirs, executors, administrators, successors and assigns of the parties hereto. Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders, and the term "Mortgages" shall include any payee of the indebtedness hereby secured or any transferee thereof whether by operation of law or otherwise.

WITNESS the signature(s) and seal(s) of the Mortgagor(s) on the day and year first above written.

WITNESS: George M. Bayley Henry G. Hendrix (Seal)
George M. Bayley Henry G. Hendrix
George M. Bayley Sarah R. Hendrix (Seal)
George M. Bayley Sarah R. Hendrix

STATE OF MARYLAND, BALTIMORE CITY to wit:
I HEREBY CERTIFY, That on this 16th day of November, 1950, before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore County personally appeared HENRY G. HENDRIX and SARAH R. HENDRIX, his wife the above named Mortgagors, and they acknowledged the foregoing mortgage to be their respective act.

At the same time also personally appeared Joseph S. Knapp Jr. the Agent of the within body corporate, Mortgagee, and made oath in due form of law that the consideration of said mortgage is true and bona fide as therein set forth; and also made oath that he is the agent of the Mortgagee and is duly authorized to make this affidavit.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year aforesaid.

(Notarial Seal) George M. Bayley
George M. Bayley Notary Public.

Recorded November 17, 1950 at 3:00 PM & exd per T. Braden Silcott-Clerk (red by JAH)
By R. H. A. Y.

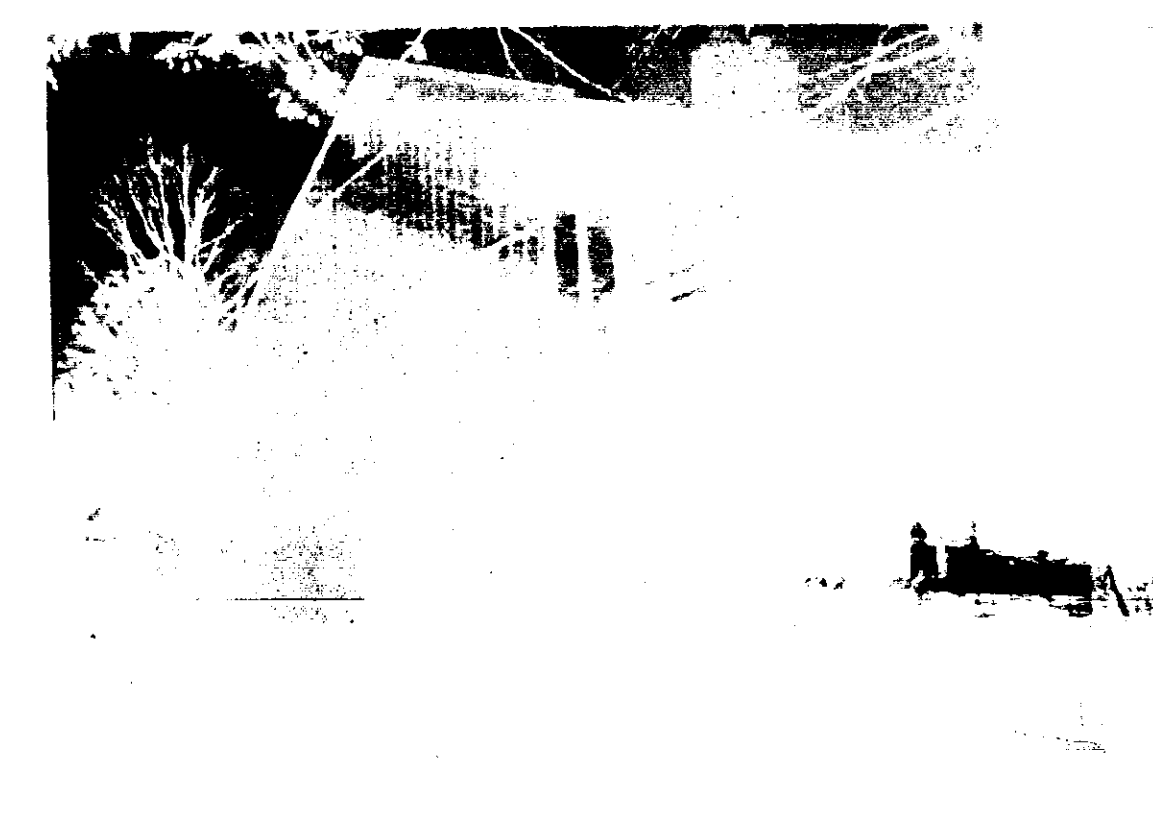
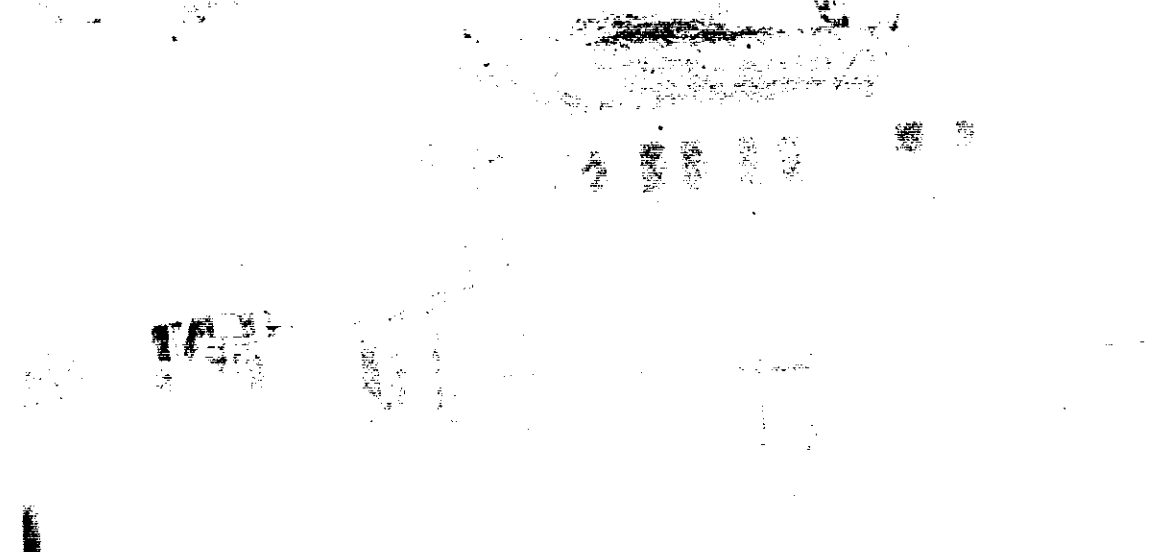
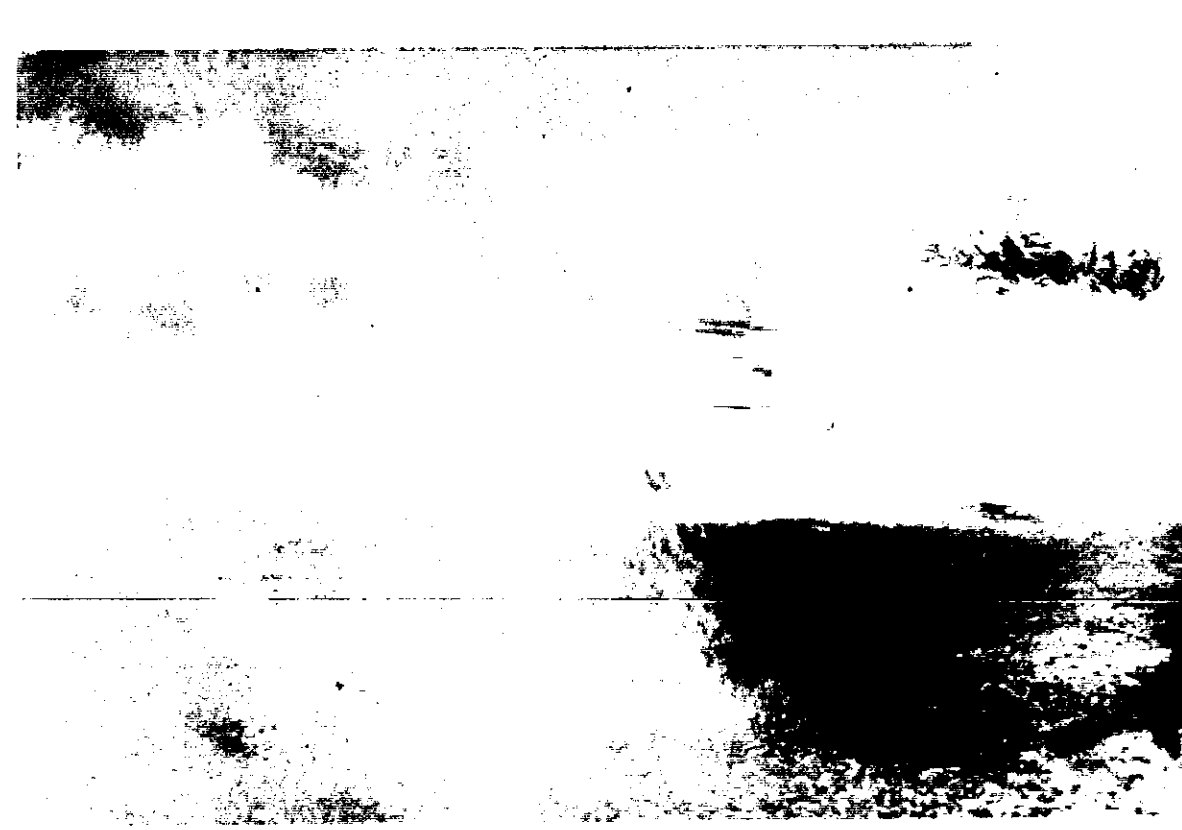
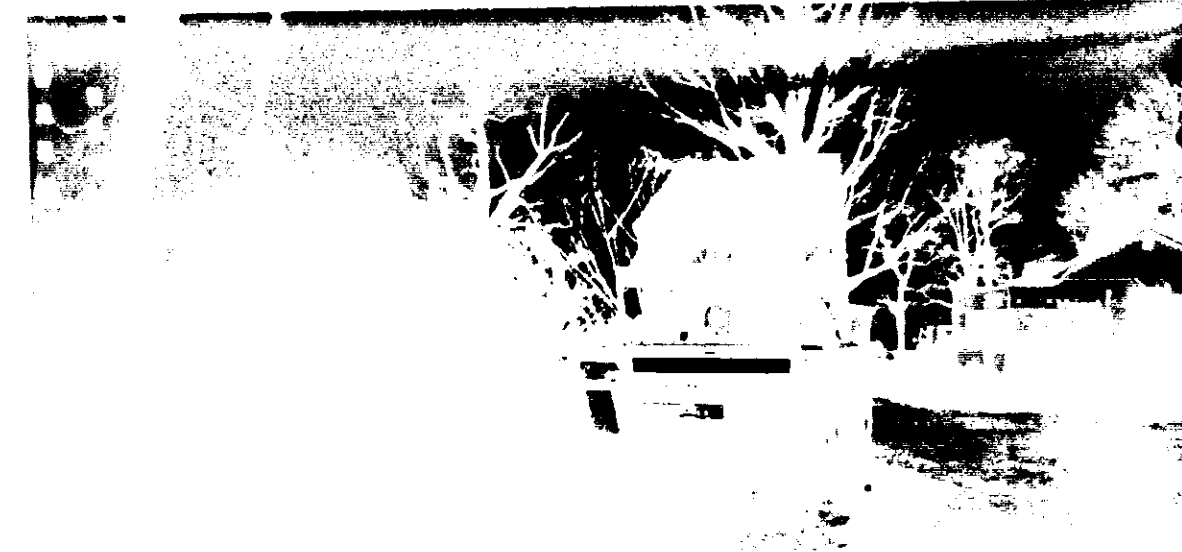
July 2, 1951 Newark, New Jersey
FOR VALUE RECEIVED, THE PRUDENTIAL INSURANCE COMPANY OF AMERICA hereby releases the within and foregoing mortgage. Witness the corporate seal of said body corporate, attested by Assistant Secretary, and the signature of its vice president.
Attest: W. D. Preston, Assistant Secretary THE PRUDENTIAL INSURANCE COMPANY OF AMERICA
Witness: L. L. Pearson (CO-THATZ SEAL) By George D. Potter, vice president

Rec. Jul 16 1951 at 11:00 AM & exd per George L. Nyerly clerk red by JAH

164920 Alma A. Frayser et al : THIS DEED, Made this 26th day of October in the year
Deed to John R. Mitchell et al : one thousand nine hundred and fifty, by and between
SS \$3.85 US \$3.85 : Alma A. Frayser and Thomas A. Frayser of Washington

: in the District of Columbia, Stephen A. Wilkinson and
Bena Wilkinson, his wife and Paul R. Burkentine, Sr. and Amelia E. Burkentine, his wife, all
of Baltimore County, State of Maryland, parties of the first part, and John R. Mitchell and
Anna A. Mitchell, his wife, and Earl L. Mitchell and Barbara E. Mitchell, his wife, of Baltimore County, State of Maryland, parties of the second part.
WHEREAS, the aforesaid Alma A. Frayser and Stephen A. Wilkinson, on January 10, 1949 by

Not started
Exhibits 1-4
Case 92-365-A



Case 92-365-A

